


EXHIBIT A

EXHIBIT A

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Civil Court Case Information – Case History

Case Information

Case Number: CV2022-013826 Judge: Blaney, Scott
 File Date: 10/18/2022 Location: Downtown
 Case Type: Civil

Party Information

Party Name	Relationship	Sex	Attorney
James Miser	Plaintiff	Male	Scott Zwillinger
Shirley Miser	Plaintiff	Female	Scott Zwillinger
Centurion Of Arizona L L C	Defendant		Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
10/21/2022	AFS - Affidavit Of Service	10/26/2022	
NOTE: CENTURION OF ARIZONA			
10/18/2022	COM - Complaint	10/19/2022	
NOTE: Complaint			
10/18/2022	CSH - Coversheet	10/19/2022	
NOTE: Civil Cover Sheet			
10/18/2022	CCN - Cert Arbitration - Not Subject	10/19/2022	
NOTE: Certificate Of Compulsory Arbitration - Is Not Subject To			
10/18/2022	SUM - Summons	10/19/2022	
NOTE: Summons			
10/18/2022	SUM - Summons	10/19/2022	
NOTE: Summons			
10/18/2022	SUM - Summons	10/19/2022	
NOTE: Summons			
10/18/2022	SUM - Summons	10/19/2022	
NOTE: Summons			
10/18/2022	SUM - Summons	10/19/2022	
NOTE: Summons			

Case Calendar

There are no calendar events on file

Judgments

There are no judgments on file

Liddy Legal Support Services

PO Box 2007, Phoenix, AZ 85001

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2700 Woodlands Village Blvd., #300-420, Flagstaff, AZ 86001

Phoenix 602-297-0676, Tucson 520-628-2824, Flagstaff 928-225-7737

Client Matter Miser 00193

Account # 1074

Invoice # 50971

Liddy # 415552-1

CLERK OF THE
SUPERIOR COURT
FILED
T. BLAND, DEP

2022 OCT 21 PM 12:05

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA****JAMES MISER, et al.,****Plaintiff(s) / Petitioner(s),****vs****CENTURION OF ARIZONA LLC, et al.,****CERTIFICATE OF SERVICE
BY PRIVATE PROCESS SERVER
Case No. CV2022-013826****Defendant(s) / Respondent(s).****ENTITY/PERSON TO BE SERVED:** Centurion of Arizona, LLC c/o CT Corporation System, Statutory Agent**PLACE OF SERVICE:** 3800 N Central Ave., #460, Phoenix, AZ 85012**DATE OF SERVICE:** On the 19th day of October, 2022 at 2:27 PM County Maricopa☐

PERSONAL SERVICE

☒Left a copy with a person authorized to
accept service.☐At this usual place of abode, I left a copy
with a person of suitable age and discretion
residing therein.**Name of Person Served and Relationship/Title**

Served on CT Corporation System, Statutory Agent, by serving Stefan

Andrews, Intake Specialist.

on 10/19/2022 we received the following documents for service:

Summons | Complaint | and Certificate of Arbitration

Received from ZWILLINGER WULKAN, (SCOTT H. ZWILLINGER #019645)

PROCESS SERVER: Floyd R. Brown, #8388**The undersigned states: That I am a certified private process server in the county of Maricopa and am an Officer of the Court.**

SIGNATURE OF PROCESS SERVER:

Date: 10/20/2022

Item	Amount
Service of Process	\$20.00
Minimum Mileage	\$36.00
Copies	\$5.00
Doc. Prep Fee	\$10.00

Tax ID# 90-0533870

I declare under penalty of perjury that the foregoing is true
and correct and was executed on this date.

Total \$71.00

1 Scott H. Zwillinger (019645)
2 Mark A. Ryan (034023)
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10 Attorneys for Plaintiffs

11
12 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
13 **IN AND FOR THE COUNTY OF MARICOPA**

14 **James Miser and Shirley Miser,**
15 **husband and wife,**

16 Plaintiffs,

17 v.

18 **Centurion of Arizona, LLC, an Arizona**
19 **limited liability company, Doe Delany**
20 **and unknown spouse Delany, a married**
21 **couple, Doe Centurion Employees 1-10**
22 **and unknown spouses, married couples,**
23 **Doe Corrections Officers 1-10 and**
24 **unknown spouses, married couples,**

25 Defendants.

No. CV2022-013826

COMPLAINT

(JURY TRIAL DEMANDED)

26 Plaintiffs, for the Complaint against Defendants, allege as follows:

27 **JURISDICTION AND VENUE**

28 1. Plaintiffs bring this action, pursuant to 42 U.S.C. § 1983, for violations of
the of the United States Constitution, including the Fourteenth Amendment, and the state
common law.

2. Jurisdiction and venue are proper in this Court pursuant to A.R.S. §§ 12-
123 and 12-401, as the majority of the parties are residents of Maricopa County, Arizona
and the events underlying this lawsuit occurred in Pinal County.

PARTIES

3. Plaintiffs incorporate the allegations in the paragraphs above as if set forth fully herein.

4. At all times material to this Complaint, James Miser (hereinafter, "Chaplain Miser") and Shirley Miser are married adult individuals residing in Maricopa County, Arizona.

5. At all times material to this Complaint, Chaplain Miser was employed by the Arizona Department of Corrections ("ADC") as a Chaplain at the Arizona State Prison Complex Florence ("ASPCF") where he worked as the Senior Chaplain.

6. At all times material to this Complaint, Defendant Centurion of Arizona, LLC ("Centurion") is a limited liability company organized and existing under the laws of the state of Arizona.

7. At all times material to this Complaint, Defendant Centurion maintained a contract with ADC to perform healthcare services for ADC inmates, including those at ASPCF.

8. Upon information and belief, at all times material to this Complaint, Defendant Doe Delany and unknown spouse Delany are married adult individuals residing in Maricopa County, Arizona. At all times material to this Complaint, Defendant Doe Delany acted for, on behalf of, and in furtherance of their marital community. Plaintiffs will substitute the true name and identity of Defendant Doe Delany and unknown spouse Delany once ascertained.

9. At all times material to this Complaint, Defendant Doe Delany was a mental health care provider who was employed by Defendant Centurion.

10. At all times material to this Complaint, Defendant Doe Delany acted in the course and scope of her employment relationship with Defendant Centurion.

11. At all times material to this Complaint, Defendant Doe Delany was agent of Defendant Centurion.

1 12. At all times material to this Complaint, Defendant Doe Delany acted in the
2 course and scope of her agency relationship with Defendant Centurion.

3 13. Upon information and belief, at all times material to this Complaint, all Doe
4 Defendants resided in Maricopa County, Arizona. Doe Defendants are named herein in
5 both their individual and official capacities. The true name and identity of these
6 Defendants, and any spouses as applicable for purposes of binding the marital
7 community, will be amended once ascertained.

8 14. At all times material to this Complaint, all Doe Defendants acted under the
9 color of law with the Arizona Department of Corrections.

10 **FACTUAL ALLEGATIONS RELEVANT TO ALL COUNTS**
11 **OF THIS COMPLAINT**

12 15. Plaintiffs incorporate the allegations in the paragraphs above as if set forth
13 fully herein.

14 16. On March 3, 2022, as Chaplain Miser walked across the ASPCF-Central
15 Unit Yard, heading to a religious service, Inmate Jonathan Read (“Inmate Read”)
16 attempted to kill Chaplain Miser.

17 17. During the attempted homicide, Chaplain Miser fell to the ground and
18 fought for his life while Inmate Read stabbed him at least six times—in the head, neck,
19 and shoulders—with a knife he made from his prison bed.

20 18. The ADC Office of the Inspector General investigated the attempted
21 homicide and issued an Investigative Report (hereinafter, the “Report”).

22 19. On the day of the attempted homicide, Inmate Read was interviewed by
23 criminal investigators who recorded the interview with Inmate Read.

24 20. During his interview, Inmate Read chuckled and stated that he had planned
25 to stab Chaplain Miser and knew what he was doing when he left his cell that day.

26 21. During his interview, Inmate Read stated that he had made his mind up to
27 stab the chaplain at least two to three weeks earlier.

1 22. During his interview, Inmate Read stated that he made a shank from his
2 metal frame bed and had it for about two to three weeks.

3 23. All named Defendants knew or should have known that Inmate Read posed
4 a clear and present danger to other inmates and ASPCF staff, like Chaplain Miser, long
5 before the attempt on Chaplain Miser's life.

6 24. Prior to the attempt on Chaplain Miser's life, Inmate Read committed
7 multiple aggravated assaults—both in and out of prison—at least one such prison attack
8 was similarly committed with a prison-made knife.

9 25. Inmate Read's violent propensities were, in part, caused by his uncontrolled
10 and untreated mental health issues.

11 26. Indeed, prior to the attempt on Chaplain Miser's life, and before his
12 incarceration at the ASPCF, Inmate Read was diagnosed with schizophrenia by, among
13 others, the healthcare providers with the Federal Bureau of Prisons.

14 27. According to the National Institute of Mental Health, "Schizophrenia is a
15 serious mental illness" that, left untreated, presents a risk of violence to others that is
16 "greatest when left untreated."¹

17 28. A person diagnosed with schizophrenia has a serious mental illness
18 ("SMI").

19 29. All named Defendants knew or should have known of Inmate Read's SMI
20 diagnosis.

21 30. According to the ADC Mental Health Technical Manual (hereinafter, the
22 "Manual"), "ADC mental health services shall be provided by a Contractor to include the
23 provision of mental health services for patients housed in any of the Arizona State Prison
24 Complexes or private prison complexes."²

25
26 ¹https://www.nimh.nih.gov/sites/default/files/documents/health/publications/schizophrenia/21-mh-8082_schizophrenia.pdf

27 ² ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 4.

1 31. At all times material to this Complaint, Defendant Centurion was the
2 contractor for ADC in the provision of mental health services to inmates.

3 32. Defendant Centurion was responsible for ensuring “that mental health
4 services and status decisions such as SMI status, mental health scores, and treatment
5 planning are done in accordance with current policy.”³

6 33. Defendant Centurion was required to complete an initial mental health
7 assessment (hereinafter, the “Assessment”) on all inmates, such as Inmate Read, to be
8 used “in decisions regarding classification, placement, and need level for further mental
9 health services and/or programming.”⁴

10 34. Defendant Centurion was required to perform the Assessment on prisoners,
11 like Inmate Read, within two days of their arrival to an ADC prison and Defendant
12 Centurion was required to see that inmate within 14 days of arrival to an ADC prison.⁵

13 35. Defendant Centurion was required to perform “[a]n initial medical record
14 review...within twelve (12) hours of patients arrival” to an ADC prison.⁶

15 36. In addition to the aforementioned requirements, Defendant Centurion and
16 its employees and agents were required to obtain a complete copy of Inmate Read’s
17 medical records.

18 37. Upon receipt, Defendant Centurion and its agents and employees were
19 required to know Inmate Read’s prior mental health diagnoses in order to ensure that
20 Inmate Read received an appropriate mental health score.

21 38. There are five different Mental Health Scores that Defendant Centurion
22 uses to classify inmates.⁷

23 39. Mental Health 1 (“MH-1”) is a score reserved for “Inmates who have no
24

25 ³ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 6.

26 ⁴ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 22.

27 ⁵ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 22.

28 ⁶ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 24.

⁷ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 27.

1 history of mental health issues or receiving mental health treatment.”⁸

2 40. Mental Health 2 (“MH-2”) is a score reserved for “Inmates who have
3 received mental health treatment in the past but do not currently have any mental health
4 needs, and have demonstrated behavioral and psychological stability for at least six (6)
5 months.”⁹

6 41. Mental Health 3 (“MH-3”) is a score reserved for inmates “who have
7 current mental health needs requiring outpatient treatment” and inmates receiving a score
8 of MH-3 are assigned to one of five subcodes: A through E.¹⁰

9 42. MH-3A is reserved for inmates “in acute distress who may require
10 substantial intervention in order to remain stable (i.e., floridly psychotic,
11 delusional...).”¹¹

12 43. MH-3 subcodes B through E are reserved as follows for inmates who (B)
13 are “generally stable and participate in psychiatric and psychological services,” (C) “need
14 infrequent intervention and have adequate coping skills to manage their mental illness
15 effectively and independently with psychotropic medications only”; (D) “have been
16 recently taken off of psychotropic medications,” and (E) “recently arrived to ADC, and
17 who are generally stable but may benefit from regular contacts with a mental health
18 clinician.”¹²

19 44. Mental Health 4 (“MH-4”) is a score reserved for inmates “admitted to a
20 residential mental health program.”¹³

21 45. Mental Health 5 (“MH-5”) is a score reserved for inmates “who are
22 admitted to the inpatient treatment programs licensed by the Department of Health
23 Services.”¹⁴

24 ⁸ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 27.

25 ⁹ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 27.

¹⁰ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 27-30.

¹¹ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 28.

¹² ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 28-30.

¹³ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 30.

¹⁴ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 31.

1 46. Throughout his incarceration at ASPCF, Inmate Read was labeled as a MH-
2 1, the lowest mental health score available.

3 47. This labeling was inaccurate, inappropriate, and created a danger that
4 otherwise would not have existed.

5 48. Among other things, by labeling Inmate Read as a MH-1, all named
6 Defendants were affirmatively, yet incorrectly, stating to correction staff and other ADOC
7 employees, including Chaplain Miser, that Inmate Read had no history of mental health
8 issues and that he was not receiving mental health treatment.

9 49. By labeling Inmate Read—a diagnosed schizophrenic with a history of
10 violence—as a MH-1, all named Defendants committed an egregious error without
11 justification or excuse that created an unnecessary risk of danger to Chaplain Miser, all
12 other ADC employees, and other inmates.

13 50. Because of Inmate Read’s diagnosis of schizophrenia and SMI, all named
14 Defendants were required to label Inmate Read as a MH-3 or higher but failed to do so.¹⁵

15 51. Indeed, if Inmate Read had been appropriately classified as a MH-3 or
16 higher by all named Defendants upon his incarceration at ASPCF—or at any time prior
17 to the attempt on Chaplain Miser’s life—and been provided appropriate and timely
18 medical care, treatment, and medication for his SMI, Chaplain Miser would not have been
19 the victim of an attempted homicide.

20 52. Notwithstanding the egregious initial error of mislabeling Inmate Read as
21 a MH-1, all named Defendants had multiple opportunities to correct that error and provide
22 the appropriate and timely medical care, treatment, and medication(s) to Inmate Read
23 prior to the attempt on Chaplain Miser’s life.

24 53. On November 11, 2021, Correctional Officer III Felicia Gaona (“Gaona”)
25 reviewed an email from Inmate Read in which he wrote that he should have “stuck a
26

27 ¹⁵ ADC Mental Health Technical Manual – Revised 12/24/2019 at p. 36.

1 knife” in someone’s neck over an issue with his commissary.¹⁶

2 54. On November 18, 2021, Gaona reviewed another email from Inmate Read
3 in which he wrote that he was suffering from demonic possession and that no chaplain
4 has commanded the demon out of his body.¹⁷

5 55. Gaona advised Psych Delany (“Delany”) by telephone of Inmate Read’s
6 email.

7 56. On December 4, 2021, Inmate Read emailed Gaona stating that he was
8 being demonized and discussed a CIA agent who kills Satanists.¹⁸

9 57. Gaona replied on December 8, 2021 stating, “I AM CALLING PSYCH TO
10 COME SEE YOU. AND SENDING TO CHAPLAIN.”¹⁹

11 58. Gaona sent Inmate Read’s email to Delany.²⁰

12 59. Delany responded to Gaona stating “[Inmate] Read was a ‘Mental Health’
13 and had done this before” and that “she would go see [Inmate Read].”²¹

14 60. After all of these events, not once did any of the named Defendants change
15 Inmate Read’s mental health score from a MH-1 to a MH-3 or higher.

16 61. After all of these events, not once did any of the named Defendants provide
17 Inmate Read with the mental health care, treatment, and medication he desperately needed
18 to control his SMI.

19 62. Indeed, Defendant Centurion itself acknowledged it failed to timely treat
20 Inmate Read for his schizophrenia when—mere hours after the attempt on Chaplain
21 Miser’s life—Defendant Centurion employee Ashley Bardwell wrote that Defendant
22 Centurion and its employees and agents did not see a Health Needs Request (“HNR”)
 23 from Inmate Read that he sent on September 12, 2021 and that these “are the types of

24
25 ¹⁶ ADC Office of the Inspector General Investigative Report at 8.

26 ¹⁷ ADC Office of the Inspector General Investigative Report at 8.

27 ¹⁸ ADC Office of the Inspector General Investigative Report at 7.

28 ¹⁹ ADC Office of the Inspector General Investigative Report at 7 (emphasis in original).

²⁰ ADC Office of the Inspector General Investigative Report at 8.

²¹ ADC Office of the Inspector General Investigative Report at 8.

1 misses that can have devastating consequences.”

2 63. The HNR dated September 12, 2021 sent by Inmate Read stated
3 “psychology, I want to let you know that I’m hearing witches and warlocks above my
4 head everyday talking to each other!some of them say hateful things to me everyday,about
5 my sex gland,everyday and all thru out the night too!when u have a chance I’ll tell you
6 more!the satanist say that there able to look thru my memories!”

7 64. Ms. Bardwell’s email was part of a chain that shows an email from
8 Defendant Centurion employee Stephanie Opligner, RN, BSN, dated February 17, 2022,
9 which states that Defendant Centurion is required to see Inmates who place a HNR for
10 mental health.

11 65. After the attempt on Chaplain Miser’s life, Inmate Read was then labeled
12 as a MH-3B, which is the minimum mental health score he should have received upon
13 incarceration at ASPCF.²²

14 66. The significant delay in labeling Inmate Read appropriate as a MH-3B was
15 a systemic failure from the top down.

16 67. Indeed, Defendant Centurion was found to be deliberately indifferent to the
17 substantial risk of serious harm posed by the lack of adequate medical and mental health
18 care affecting all prisoners.

19 68. On June 30, 2022, Senior United States District Judge Roslyn O. Silver held
20 that Defendant Centurion:

- 21 a. was aware—for years—of its failures to provide adequate medical
- 22 and mental health care affecting prisoners like Inmate Read.
- 23 b. refused to take necessary actions to remedy those failures.
- 24 c. chronically understaffed ASPCF by nearly 60 full time employees.
- 25 d. provided patently insufficient, and more often than not incompetent,
- 26 health care staffing to adequate meet prisoners’, like Inmate Reed’s,

27 ²² ADC Office of the Inspector General Investigative Report at 9.

1 needs.

2 e. employed medical care staff who—by a large majority—lacked the
3 necessary training or licensure to provide the type of care that is
4 necessary to provide constitutionally adequate care.

5 f. failed to hire sufficient competent staff which in turn left prisoners
6 with serious mental health needs, like Inmate Read, were ignored.

7 g. structured the system to have the vast majority of care provided by
8 lower-level individuals like behavioral health technicians, nurses, or
9 psychological associates, not psychologists or psychiatrists.

10 h. only provided seven psychiatrists for the entire ADC prison
11 population, only two of which work on-site and the remaining work
12 via Tele-Health.

13 i. only provided one psychologist for the entire for the entire ASPCF
14 prison population.

15 j. only provided two psychology associates for the entire ASPCF
16 prison population.

17 k. created, and sustained, a systemic failure in the provision of mental
18 health care in the ADC prison population by failing to provide
19 sufficient mental health providers with appropriate training to
20 provide varying levels of support for prisoners' mental health
21 conditions.

22 l. delivered inadequate and inefficient mental health care and
23 treatment leaving prisoners to remain potentially, and unnecessarily,
24 profoundly symptomatic for extended periods of time despite the
25 availability of treatment options mostly due to inadequate mental
26 health staffing.

27 m. knew well that it failed to deliver prisoners' medication when
28

1 needed, yet continually failed to address the problem.

2 n. knew that the lack of staffing meant prisoners did not receive
3 medication when they need it to achieve or maintain mental health.

4 69. Thus, Defendant Centurion, by and through its employees and agents, failed
5 to provide appropriate and timely medical care, treatment, and medication to Inmate Read
6 for his SMI.

7 70. All named Defendants failed to keep Chaplain Miser, other ASPCF staff,
8 and other inmates safe.

9 **COUNT ONE**

10 **(Violation of Chaplain Miser's Rights Under the Fourteenth Amendment and 42**
11 **U.S.C. § 1983 – All Named Defendants)**

12 71. Plaintiffs incorporate the allegations in the paragraphs above as if set forth
13 fully herein.

14 72. At all times material to this Complaint, Defendants were acting under color
15 of law.

16 73. The United States Constitution guarantees Plaintiffs the right to maintain
17 the integrity of their own bodies.

18 74. The Fourteenth Amendment of the United States Constitution precludes
19 those acting under color of law from depriving Plaintiffs of the rights guaranteed to them
20 by the United States Constitution, including the right to maintain the integrity of their
21 bodies without due process of law.

22 75. As set forth above, all named Defendants, individually and collectively,
23 created obvious and well-known dangerous conditions that, but for the acts and omissions
24 of all named Defendants, would not have existed and to which Chaplain Miser would not
25 have been subjected.

26 76. The danger of said conditions was obvious and known by all named
27 Defendants.

1 77. Defendants had a duty and obligation to render mental health treatment and
2 care to Inmate Read to keep other inmates and staff safe and secure, and Chaplain Miser
3 relied on all named Defendants to protect him.

4 78. Yet by their intentional acts and omissions, all named Defendants failed to
5 ameliorate the danger to which Chaplain Miser was exposed or to otherwise protect him
6 and keep him safe.

7 79. Instead, all named Defendants knowingly and intentionally chose to expose
8 Chaplain Miser and others to increased risk of harm.

9 80. In knowingly and intentionally creating dangerous conditions to which
10 Chaplain Miser was exposed, and in failing to take any steps to ameliorate the danger or
11 otherwise protect Chaplain Miser, all named Defendants acted with deliberate
12 indifference to Chaplain Miser's right to maintain the integrity of his body and other
13 rights guaranteed to him by the United States Constitution, including the Fourteenth
14 Amendment.

15 81. As a direct and proximate result of all named Defendants' deliberate
16 indifference, and resulting harm, Chaplain Miser sustained traumatic physical and
17 emotional injuries and Plaintiff Shirley Miser sustained emotional injuries and a loss of
18 consortium.

19 82. Consequently, all named Defendants violated the due process rights
20 guaranteed to Plaintiffs by the Fourteenth Amendment of the United States Constitution.

21 83. The acts and omissions of all named Defendants were of such a nature as
22 to entitle Plaintiffs to an award of exemplary and punitive damages to punish the wrongful
23 conduct alleged herein and to deter such conduct in the future.

24 84. Further, pursuant to 42. U.S.C. § 1983, Plaintiffs are entitled to an award of
25 their incurred attorney fees and costs.

COUNT TWO**(Medical Malpractice – Defendants Centurion and Doe Delany)**

85. Plaintiffs incorporate the allegations in the paragraphs above as if set forth fully herein.

86. As mental health providers to Inmate Read, Defendants Centurion and Doe Delany were required to exercise that degree of care, skill, and learning expected of a reasonable, prudent health care provider in the profession or class to which it belonged within this state in the same or similar circumstances.

87. Defendants Centurion and Doe Delany failed to exercise that degree of care, skill, and learning expected of a reasonable, prudent health care provider in the profession or class to which they belonged within this state acting in the same or similar circumstances by failing to provide Inmate Read with reasonably appropriate and timely mental health care, treatment, and medication given his diagnosis as SMI.

88. Defendants Centurion and Doe Delany failed to exercise that degree of care, skill, and learning expected of a reasonable, prudent health care provider in the profession or class to which it belonged within this state acting in the same or similar circumstances by failing to appropriately classify Inmate Read as a MH-3 or higher.

89. Defendants Centurion and Doe Delany failed to exercise that degree of care, skill, and learning expected of a reasonable, prudent health care provider in the profession or class to which it belonged within this state acting in the same or similar circumstances by failing to promptly and reasonably respond to the HNRs sent to it by Inmate Read—in which it is self-evident that Inmate Read was suffering from a serious mental health issue—prior to the attempt on Chaplain Miser's life.

90. The standard of care violations by Defendant Centurion, by and through its employees and agents, were a proximate cause of Plaintiffs' injuries and damages described herein in an amount to be proven at trial.

91. As a direct and proximate result of the above alleged failures to comply

1 with the applicable standard of care, Chaplain Miser suffered serious, permanent, and
2 disabling injuries and neurological deficits in an amount to be proven at trial.

3 92. As a direct and proximate result of the above alleged failures to comply
4 with the applicable standard of care, Chaplain Miser experienced, and will experience in
5 the future, pain, discomfort, suffering, disability, disfigurement, impairment, anxiety,
6 emotional distress, loss of enjoyment of life, and loss of pleasures of his martial
7 relationship in an amount to be proven at trial.

8 93. As a direct and proximate result of the above alleged failures to comply
9 with the applicable standard of care, Chaplain Miser has undergone, and in the future
10 undergo, medical and hospital care and treatment in an amount to be proven at trial.

11 94. As a direct and proximate result of the above alleged failures to comply
12 with the applicable standard of care, Chaplain Miser and Plaintiff Shirley Miser have
13 incurred, and will incur in the future, reasonable expenses of necessary medical and other
14 care, treatment, and services in an amount to be proven at trial.

15 95. As a direct and proximate result of the above alleged failures to comply
16 with the applicable standard of care, Chaplain Miser and Plaintiff Shirley Miser have lost
17 Chaplain Miser's earnings to date and have suffered, and will suffer in the future, a
18 decrease in his earning power or capacity in the future in an amount to be proven at trial.

19 96. As a direct and proximate result of the above alleged failures to comply
20 with the applicable standard of care, Chaplain Miser and Plaintiff Shirley Miser have lost
21 and, will lose in the future, pleasures of their marital relationship in an amount to be
22 proven at trial.

23 97. As a direct and proximate result of the above alleged failures to comply
24 with the applicable standard of care, Chaplain Miser and Plaintiff Shirley Miser have
25 suffered general and special damages in an amount to be proven at trial.

26 **TIER**

27 98. This is a Tier 3 case within the meaning of Rule 26.2, Ariz.R.Civ.P.
28

JURY TRIAL

99. Plaintiffs hereby request and demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for damages for judgment against Defendants as follows:

- A. General damages in an amount to be proven at trial, as to the causes of action, claims, and theories of relief alleged herein;
- B. Special damages in an amount to be proven at trial, as to the causes of action, claims, and theories of relief alleged herein;
- C. Punitive damages against the individually named Defendants in an amount deemed just and reasonable as to the causes of action, claims, and theories of relief alleged herein;
- D. Costs and attorney fees against all Defendants, pursuant to 42 U.S.C. § 1988; and
- E. Such other and further relief as is just and proper.

DATED this 18th day of October, 2021.

ZWILLINGER WULKAN PLC

By: /s/ Scott H. Zwillinger

Scott H. Zwillinger

Mark A. Ryan

2020 North Central Avenue, Suite 675

Phoenix, Arizona 85004

Attorneys for Plaintiffs

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Clerk of the Superior Court
*** Electronically Filed ***
M. Farrow, Deputy
10/18/2022 2:42:57 PM
Filing ID 15005418

Plaintiff's Attorneys:

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CV2022-013826

Scott H. Zwilling - Primary Attorney
Bar Number: 019645, issuing State: AZ
Law Firm: Zwilling Wulkan PLC
Telephone Number: (602)609-3800

Plaintiffs:

James Miser

Shirley Miser

Defendants:

Centurion of Arizona, LLC
CT Corporation System 3800 N. Central Ave., Ste. 460
Phoenix, AZ 85012

Doe Delany

Unknown Spouse Delany

Doe Centurion Employees 1-10

Doe Corrections Officers 1-10

Discovery Tier t3

Case Category: Other Civil Case Categories

Case Subcategory: Civil Rights

AZTurboCourt.gov Form Set #7314183

Clerk of the Superior Court
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Filing ID 15005419

Person/Attorney Filing: Mark A Ryan
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[☐] Representing Self, Without an Attorney
(If Attorney) State Bar Number: 034023, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

James Miser, et al.
Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Mark A Ryan /s/
Plaintiff/Attorney for Plaintiff

Clerk of the Superior Court
*** Electronically Filed ***
M. Farrow, Deputy
10/18/2022 2:42:57 PM
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IN AND FOR THE COUNTY OF MARICOPA

James Miser, et al.

Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.

SUMMONS

Defendant(s).

To: Centurion of Arizona, LLC

WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.

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Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *October 18, 2022*

JEFF FINE
Clerk of Superior Court

By: *MICHAEL FARROW*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

Clerk of the Superior Court
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(If Attorney) State Bar Number: 034023, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

James Miser, et al.

Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.

SUMMONS

Defendant(s).

To: Doe Delany

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IN AND FOR THE COUNTY OF MARICOPA

James Miser, et al.

Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.

SUMMONS

Defendant(s).

To: Unknown Spouse Delany

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Deputy Clerk



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IN AND FOR THE COUNTY OF MARICOPA

James Miser, et al.

Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.

SUMMONS

Defendant(s).

To: Doe Centurion Employees 1-10

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James Miser, et al.

Plaintiff(s),

Case No. CV2022-013826

v.

Centurion of Arizona, LLC, et al.

SUMMONS

Defendant(s).

To: Doe Corrections Officers 1-10

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